

**IN THE UNITED STATE DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Lashon Sims,	:	Civil Action
	:	
Plaintiff,	:	Case no.
	:	
	:	Judge
vs.	:	
	:	
The City of Columbus; Chief Thomas Quinlan in his Individual and official capacities; and John Doe and Jane Doe; (1-32)	:	Magistrate
	:	
	:	WITH JURY DEMAND
	:	ENDORSED HEREON
Defendant.	:	

COMPLAINT

I. Preliminary Statement

- 1) On May 30, 2020, Plaintiff and other demonstrators in Columbus exercised their right of assembly and expression by gathering downtown.
- 2) The purpose of the assembly and gathering was to protest the killing of George Floyd, by the then Minneapolis Police Department Officer Derek Chauvin.
- 3) Starting on May 28, 2020 and continuing on May 29, May 30, and June 1, 2020 Plaintiff, along with others all over the country, came to Downtown Columbus to demonstrate against excessive use of force by police, saying the names of Black women and Black men that were recently killed.
- 4) The Police Officers were upset by the message of the protests and criticisms that were stated by the protestors.
- 5) The Officers either criticized profanely the protestors for their chants, signs, and civil disobedience while using excessive force.
- 6) Defendants escalated their force against non-violent protesters, specifically the Plaintiff Lashon Sims, and they authorized more police and material aid law enforcement personnel to use greater force against other demonstrators who were injured.

- 7) On May 30, 2020 a curfew was imposed from 10:00pm to 6:00am. Eventually, the Mayor of Columbus limited the use of force and tear gas on June 1, 2020, also denouncing the excessive force by police.
- 8) Plaintiff suffered injuries to her civil rights and her body, and she reasonably expected to exercise her fundamental rights to assemble, protest, travel, and live freely within and around Columbus.
- 9) Plaintiff seeks declaratory and injunctive relief, compensatory damages for injuries, punitive damages from the Officer and the City of Columbus, and attorney fees and costs for violations of her Fourth and Fourteenth Amendment rights to be free from excessive use of force; her First and Fourteenth Amendment rights to peaceably assemble and exercise freedom of expression; and/or her Ohio Common Law Right not to be battered and/or injured by the gross negligence of Police Officers and/or her statutory right to recover damages inflicted by a criminal act caused by the failure of the Defendants City of Columbus and Chief to adopt effective policies and adequately train, supervise, and discipline Officers.

II. Jurisdiction and Venue

- 10) This Court has jurisdiction over this action by virtue of 28 U.S.C. §§ 1331 (federal question); 1343 (civil rights); and 1367 (supplemental jurisdiction).
- 11) Declaratory, equitable, and injunctive relief is sought pursuant to 28 U.S.C. 2201; 2202; 42 U.S.C. § 1983; and the statutory and common law of the State of Ohio.
- 12) Under 42 U.S.C. §1983 and the statutory and common law of the State of Ohio, compensatory damages may be awarded against all Defendants and punitive damages may be awarded against Defendants and Officers.
- 13) Costs and attorneys' fees may be awarded pursuant to 42 U.S.C. §1983, Fed. R. Civ. P. 54, and the common law of the State of Ohio.
- 14) Venue lies in this forum pursuant to 28 U.S.C. 1391 (B) and S.D. Civ. R 82.1 because the claims arose in Franklin County, Ohio where Defendant City of Columbus is located and operates the Division of Police, headed by Defendant Chief, which empowered Defendants Chief, and Officers to use force.

III. Parties

- 15) Plaintiff is an African-American female and citizen of the State of Ohio, residing in Franklin County, Ohio; is presently on retirement disability from the Armed Services, on Social Security disability and retirement from Whirlpool.
- 16) Defendant City of Columbus is a political subdivision of the State of Ohio pursuant to Chapter 2744, of the Ohio Revised Code. At all times material to this complaint the Employer of Defendant Chief and Officers established policies on and trained, supervised, and disciplined or failed to do so, its Officers in the use of force during demonstrations and retaliating for speech they opposed and/or resented; and entered into agreements with other entities to provide mutual aid law enforcement personnel under its general direction.
- 17) Defendant Thomas Quinlan, at all times material to this complaint, was employed by the city of Columbus in its division of police as well as its Chief, is being sued in his individual and official capacities; convened the division leadership to prepare for mass protest in Columbus; without imposing any enforceable or meaningful restraints on the use of non-lethal force authorized Defendants to use such force; continuously monitored the mass protest starting May 28, 2020 in Columbus; knew that Defendants had used excessive force; has not provided effective policies and adequate training, supervision, and/or discipline by or on behalf of Defendant, City of Columbus in the use of force during demonstrations and retaliating for speech they opposed and/or resented; was a person under 42 U.S.C. §§ 1983 who acted under color of law; and provided general direction to mutual aid law enforcement personnel from other entities.
- 18) The unnamed Officers; John Doe and Jane Doe, (to be named at a later date) are being sued in their individual and official capacities; used or tolerated the use by other Officers an excessive amount of force; received inadequate training, supervision, and/or discipline by or on behalf of Defendant City of Columbus in the use for force during demonstrations and retaliating for speech they opposed and/or resented; and was a person under 42 U.S.C. §§ 1983 who acted under color of law.
- 19) Defendants knew by May 26, 2020 that demonstrations would occur in Downtown Columbus.
- 20) Defendants City of Columbus and Chief ensured that the Columbus Police Officers were

armed with weapons they characterized as non-lethal and encouraged their use.

- 21) The Columbus Police Officers, deputies and mutual aid law enforcement caused serious and harmful bodily injury and psychological injury to Plaintiff.
- 22) On May 30, 2020, the Columbus Police Officer in riot gear knocked Plaintiff down to the ground for no reason. The Plaintiff suffered from both hips being replaced, a knee replacement and was being treated for Post Traumatic Distress Disorder.
- 23) The Columbus Police Officer used tear gas on Plaintiff for no justifiable reason causing her condition to exacerbate.
- 24) Over the course of the demonstrations on May 28, 29 and 30 and June 1, 2, and 3, Columbus Police Officers beat peaceful protestors and bystanders; pepper-sprayed without provocation and at point blank range protestors and observers, even elected officials.
- 25) The Defendants used tactics of kettling and collective punishment that created a chaotic situation among protestors which Defendants used as an excuse for additional force against protestors who moved to assist others who had been subjected to excessive force.
- 26) Photographs and videos were taken showing Plaintiff being knocked to the ground and sprayed with pepper spray.

IV. Mistreatment of Plaintiff Lashon Sims

- 27) On May 30, 2020, Ms. Sims was attending the protest near the intersection of Broad Street and High Street.
- 28) Columbus Police Officers had then established a barricade across Broad Street near Third Street, and Broad and High Streets were completely blocked to vehicle traffic.
- 29) Columbus Police Officers wished to use violence against the protestors because they harbored animosity toward the political message of the protestors.
- 30) To manufacture an opportunity for that violence, throughout the day Columbus Police Officers would periodically move west down Broad Street from their barricade and clear the street of protestors by pepper-spraying them, driving them back on both sides of the street.
- 31) At approximately 11:30am, Ms. Sims was attempting to take a video of the Columbus Police pepper-spraying the elected officials, specifically Congresswoman Joyce Beatty.
- 32) Plaintiff was thrown to the pavement on High Street and peppered sprayed causing significant pain, both physical and psychological.

V. Claims for Relief

A. First Count: Violation of Fourth and Fourteenth Amendment Rights

- 33) Paragraphs 1 through 32 above are realleged and incorporated herein.
- 34) By using excessive force, Defendants Officers violated the privacy and bodily integrity protected by the Fourth and Fourteenth Amendments of Plaintiff.
- 35) By the deliberate indifference to the policies, training, supervision, and discipline needed to prevent Police Officers and mutual aid law enforcement personnel from using excessive force in circumstances similar to those involving the protests, Defendants City of Columbus and Chief caused the deprivation of civil rights and injuries to Plaintiff and thereby violated the Fourth and Fourteenth Amendments.

B. Second Count: Violation of First and Fourteenth Amendment Rights

- 36) Paragraphs 1 through 35 above are realleged and incorporated herein.
- 37) By pushing Plaintiff for assembling and exercising her freedom of expression and attempting to discourage assembly and of Plaintiff and other protestors, Defendants and Officers violated her rights under the First and Fourteenth Amendments.
- 38) By their deliberate indifference to the policies, training, supervision, and discipline needed to prevent police offices and mutual aid law enforcement personnel from retaliating against speakers and speech they hated, Defendants City of Columbus and Chief caused Plaintiff to be punished for assembling and exercising her freedom of expression and caused the Officers' attempt to discourage assembly and expression of Plaintiff and other protestors, and thereby violated the First and Fourteenth Amendments.

C. Third Count: Gross Negligence

- 39) Paragraphs 1 through 38 above are realleged and incorporated herein.
- 40) By their willful, wanton, and reckless acts or omissions, including but not limited to, using excessive force, punishing protestors for their assembly and speech, seeking to discourage protestors, and/or failing to adopt effective policies or adequately train, supervise, and discipline Police Officers, Defendants Chief, and Officers committed gross negligence in dereliction of their duty to preserve and protect the citizens and residents of the City of Columbus and Franklin County.

D. Fourth Count: Battery

- 41) Paragraphs 1 through 40 above are realleged and incorporated herein.

42) By their willful, wanton, and reckless acts or omissions, including but not limited to, engaging in, authorizing, and ratifying excessive force and unlawful arrest and seizure, Defendant Chief and Officers committed battery under the common law of the State of Ohio.

E. Civil Action for Damages from Criminal Act

43) Paragraphs 1 through 42 above are realleged and incorporated herein.

44) By their willful, wanton, and reckless acts or omissions constituting criminal acts, including the battery prohibited by R.C. 2903 and the knowing interference with Plaintiff's civil rights prohibited by R.C. 2921.45, Defendants Chief, and Officers are liable under R.C. 2307.60 for injuries by conduct made criminal.

VI. Prayer for Relief

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally,

a. declaring that they have violated her civil rights and/or Defendants Chief, and Officers have been grossly negligent toward them and inflicted injuries by conduct made criminal and/or one or more Defendants Officers maliciously prosecuted and battered her;

b. ordering such equitable relief as will make her whole for Defendants' unlawful conduct and ensure prospectively that she is protected from future similar conduct; costs; and reasonable attorneys' fees;

c. awarding compensatory and, against Chief, and Officers, punitive damages in excess of \$25,000; and

d. granting such other relief as the Court may deem appropriate.

Respectfully submitted
Byron L. Potts & Co., L. P. A.

/s/ Byron L Potts
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JURY DEMAND

Plaintiff demands a trial by jury on all issues and defenses triable to jury.

/s/ Byron L. Potts

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Attorney for Plaintiff